

USC 103(a) as being unpatentable over U.S. Patent 6,205,485 to Kikinis. In particular, the Official Action states:

Regarding claim 1, Kikinis discloses in Figures 1 and 3, a system for distributing media information with a media server 100/111, a plurality of affiliates (STB 121), a one way broadcast system (satellite 113) that is connected to server 110/111 and transmits to a dish 120 connected to STB 121, the STB 121 is connected to web server 111 via the internet 134 (column 3, lines 31-51, column 4, lines 15-65, column 6, lines 12-21, line 41-65). Kikinis does not disclose the use of a confirmation application and delivery application to track the receipt of information and resending the information if the server does not receive the confirmation. The examiner takes official notice that the TCP/IP protocol may be used to transmit HTML and media information via the Internet and satellite links. TCP requires that an acknowledgement, called an ACK, be received from the destination machine upon successfully receiving the data. If the appropriate ACK is not received within a certain time limit, the packet is retransmitted. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kikinis to utilize the TCP/IP protocol to confirm the receipt of information and retransmit the information if it was not received, thereby ensuring that a user had the most up to date program guide for information and media.

Applicants respectfully traverse the rejection of claim 1. Applicants have filed herewith a Declaration under 37 C.F.R. §1.131 which states that the inventors of the captioned application invented the presently claimed subject matter prior to the March 27, 1997 filing date of the Kikinis reference. This declaration is identical to the earlier 131 Declaration which was acknowledged as accepted by the Examiner in this official action, but has been conformed as to the

effective date by the attorney of record after a personal interview with Dr. Laurence Fish. Additionally, in further support Dr. Fish forwarded a facsimile of documents which provide additional documentary evidence supporting the new date (Exhibit K). A redacted copy of this facsimile has been included herein. Accordingly, the Kikinis reference cannot be cited as prior art against the captioned application.

Accordingly, applicants respectfully request the Examiner to reconsider and withdraw the rejection of claim 1.

2. Rejection of claims 2-7 and 21-23 under 35 U.S.C.

§103(a)

The Official Action states that claims 2-7 and 21-23 are rejected under 35 USC 103(a) as being unpatentable over 6,205,485 to Kikinis in view of US Patent 6,052,554 to Hendricks.

Applicants respectfully traverse the rejection of claims 2-7 and 21-23. As stated above, applicants have filed herewith a Declaration under 37 C.F.R. §1.131 which states that the inventors of the captioned application invented the presently claimed subject matter prior to the March 27, 1997 filing date of the Kikinis reference. Accordingly, the Kikinis reference cannot be cited as prior art against the captioned application.

Accordingly, applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 2-7 and 21-23.

3. Rejection of claims 8-12 and 37-41 under 35 U.S.C.

§ 103(a)

The Official Action states that claims 8-12 and 37-41 are rejected under 35 USC §103(a) as being unpatentable over US Patent 6,205,485 to Kikinis in view of US Patent 6,052,554 to Hendricks in further view of US Patent 6,011,548 to Thacker.

Applicants respectfully traverse the rejection of claims 8-12 and 37-41. Applicants direct the Examiner's attention to the Declaration under 37 C.F.R. §1.131 filed herewith. The inventors of the captioned application invented the presently claimed subject matter prior to the March 27, 1997 filing date of the Kikinis reference. Accordingly, the Kikinis reference cannot be cited as prior art against the captioned application.

Accordingly, applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 8-12 and 37-41.

4. Rejection of claims 13-16, 44-47, 49 and 50 under
35 U.S.C. § 103(a)

The Official Action states that claims 13-16, 44-47, 49 and 50 are rejected under 35 USC 103(a) as being unpatentable over US Patent 6,205,485 to Kikinis in view of US Patent 6,052,554 to Hendricks in further view of US Patent 6,385,647 to Willis.

Applicants respectfully traverse the rejection of claims 13-16, 44-47, 49 and 50. Again, applicants respectfully direct the Examiner's attention to the Declaration under 37 C.F.R. §1.131 filed herewith. The inventors of the captioned application invented the presently claimed subject matter prior to the March 27, 1997 filing date of the Kikinis reference. Accordingly, the Kikinis reference cannot be cited as prior art against the captioned application.

Accordingly, applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 13-16, 44-47, 49 and 50.

5. Rejection of claims 17-20 under 35 U.S.C. § 103(a)

The Official Action states that claims 17-20 are rejected under 35 USC 103(a) as being unpatentable over US Patent 6,205,485 to Kikinis in view of US Patent 6,052,554 to Hendricks in further view of US Patent 6,011,548 to Thacker in further view of US Patent 6,385,647 to Willis.

Applicants respectfully traverse the rejection of claims 17-20. Applicants again respectfully direct the Examiner's

attention to the Declaration under 37 C.F.R. §1.131 filed herewith. The inventors of the captioned application invented the presently claimed subject matter prior to the March 27, 1997 filing date of the Kikinis reference. Accordingly, the Kikinis reference cannot be cited as prior art against the captioned application.

Accordingly, applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 17-20.

6. Rejection of claims 24-30 under 35 U.S.C. § 103(a)

The Official Action states that claims 24-30 are rejected under 35 USC 103(a) as being unpatentable over US Patent 6,205,485 to Kikinis in view of US Patent 6,052,554 to Hendricks in further view of the UPS tracking application.

Applicants respectfully traverse the rejection of claims 24-30. As stated above, applicants have filed herewith a Declaration under 37 C.F.R. §1.131 which states that the inventors of the captioned application invented the presently claimed subject matter prior to the March 27, 1997 filing date of the Kikinis reference. Accordingly, the Kikinis reference cannot be cited as prior art against the captioned application.

Accordingly, applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 24-30.

7. Objection to claims 31-36, 42, 43 and 48

The Official Action states that claims 31-36, 42, 43 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for the indication of allowable subject matter in this case. However, because applicants have successfully overcome the references cited in the Official Action which places this application in condition for allowance, no amendments to claims 31-36, 42, 43 and 48 are necessary to overcome this objection.

Accordingly, applicants respectfully request that the Examiner withdraw the objection to claims 31-36, 42, 43 and 48.

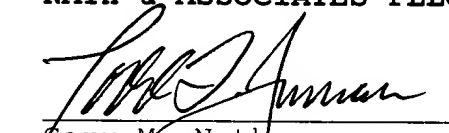
CONCLUSION

Based upon the above remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over the prior art of record. The Examiner is therefore respectfully requested to reconsider and withdraw the rejections of and objections to pending claims 1-50. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

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The Examiner is welcomed to telephone the undersigned attorney if he has any questions or comments.

Respectfully submitted,
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